

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE MATTER OF:

NOJIMA ET AL

DOCKET NO.: MM4462

REISSUE OF U.S. PATENT NO. 5,679,313

SERIAL NO. 08/472,057

ISSUED: OCT. 21, 1997

FOR: AMMONIA DECOMPOSITION CATALYSTS

REISSUE DECLARATION OF ASSIGNEE OF ENTIRE INTEREST

Hon. Commissioner of Patents
And Trademarks
Washington, D.C. 20231

Sir:

As the representative of the assignee of the entire interest, I declare:

(1) That Mitsubishi Jukogyo Kabushiki Kaisha is the assignee and sole owner of the entire right, title and interest in Letters Patent No. 5,679,313 and in the foregoing accompanying specification of letters Patent No. 5,679,313 for which invention applicant solicits a Reissue patent.

(2) That the inventors Nojima, Shigeru; Tokuyama, Rie; and Iida, Kouzo are all citizens of Japan and reside at c/o Hiroshima Research & Development Center, Mitsubishi Jukogyo Kabushiki Kaisha, 6-22, Kan-on-sninmachi 4-chome and Nishi-ku, Hiroshima-shi, Hiroshima-ken, Japan, respectively.

(3) That applicant does not believe that said invention was ever known or used in the United States of America before the invention thereof.

(4) That the original patent is considered to be defective by reason of claiming more than applicant had a right to claim in the patent.

(5) That through error and without deceptive intent the original patent is considered by Applicant to be defective in that during the prosecution of the application a European search report, copy attached, was issued which applicant believes is relevant to the issue of patentability particularly of claim 5. The references from the European search report were not made of record despite all attempts by applicant to make the reference(s) of record before the patent issued.

(6) That the present reissue application seeks to make the aforementioned prior art references as cited in the European search report of record and to cancel claim 5 from the original patent in compliance with 35 USC 251.

(7) That the aforementioned European search report was cited in a foreign patent application corresponding to the subject U.S. patent application serial No. 08/472,057.

(8) That the European search report was received by Applicant on June 23, 1997 from their European Patent Attorneys as evidenced by the attached letter and forwarded to the attorneys of record on July 7, 1997 with instructions to make the cited references of record and to cancel claim 5. However, the subject application was allowed on March 18, 1997 and the issue fee was paid on June 17, 1997 with both events occurring before receipt of the European search report and before applicant was aware of the existence of the references. Nevertheless, to make the references of record a petition was timely filed by Applicant on August 5, 1997, a copy of which is attached, to withdraw the application from issue so that the prior art cited in the European search report could be evaluated by the Examiner and made of record. However, the petition to withdraw was denied on October 24, 1997, a copy of

which is attached, following the issuance of the subject patent on October 21, 1997 based upon the fact that the petition was filed after payment of the issue fee.

(9) Applicant, through his attorney of record, telephoned the Examiner, Mr. Langel, who allowed the subject application, to discuss having the U.S. Patent Office initiate an internal reexamination to make the reference of record based upon their failure to withdraw the application from issue. The Examiner, Mr. Langel, said that he would investigate such possibility but considered it unlikely for the Commissioner's Office to initiate such a proceeding.

(10) That the error of claiming more than applicant had a right to claim was made without deceptive intention and that the prosecution of the patent was conducted without an awareness of this error.

(11) That an Information Disclosure Statement is attached hereto to make the reference(s) cited in the European search report of record.

(12) That in accordance with 37 CFR 1.56(a), applicant acknowledges that he is unaware of any prior art other than the prior art identified in the attached information disclosure statement that has not been made of record to date.

(13) That the present reissue application is being filed to permit applicant to enter the attached information disclosure statement to make of record the prior art cited thereon and to secure maximum protection to which applicant is entitled.

(14) Applicant hereby offers to surrender the original Letters Patent No. 5,679,313 in accordance with 37 CFR 1.178.

(15) Attached hereto is a copy of a written Assent of Assignee, Victor Company of Japan, Ltd., Yokohama, Japan assenting to the filing of the reissue application.

That applicant has reviewed and understands the contents of the specification,
including the claims as required under 37 CFR 1.63.

I hereby declare that all statements made herein of my own knowledge are true
and that all statements made on information and belief are believed to be true; and further that
these statements are made with the knowledge that willful false statements and the like so made
are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United
States Code and that such willful false statements may jeopardize the validity of the application
or any patent issued thereon.

November 1, 2001

Date

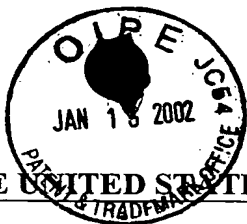
Shigemitsu TANAKA

Name

General Manager,
Intellectual Property Department

Title

Signature



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PETITION FOR REISSUE AND POWER OF ATTORNEY

Hon. Commissioner of Patents
And Trademarks
Washington, D.C. 20231

Sir:

The undersigned, as the representative of MITSUBISHI JUKOGYO
KABUSHIKI KAISHA the sole assignee of the entire interest in the above-identified Letters
Patent No. 5,679,313, issued on October 21, 1997, hereby petitions to reissue said Letters Patent
under 35 USC 251 and 37 CFR 1.172 on the basis that applicant does not seek to enlarge the
scope of the claims of the original patent and offers to surrender said Letters Patent in favor of
the reissue application.

The applicant hereby appoints Michael N. Meller, Registration No. 20,779 and
Eugene Lieberstein, Registration No. 24,645, of the law offices of Anderson Kill & Olick, P.C.,
1251 Avenue of the Americas, New York, New York 10020-1182, as their attorneys with full
power of substitution and revocation to prosecute the application, to receive the patent and to
transact all business in the United States Patent and Trademark Office connected therewith.

The United States Patent and Trademark Office has requested to direct all
correspondence concerning this application to the Law Office of Anderson Kill & Olick, P.C.,
1251 Avenue of the Americas, New York, New York 10020-1182.

November 1, 2001
Date


Shigemitsu TANAKA

1005225-011502

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CERTIFICATE UNDER 37 CFR 3.73(b) AND REISSUE ASSENT

Hon. Commissioner of Patents
And Trademarks
Washington, D.C. 20231

Sir:

The undersigned, certifies that Mitsubishi Jukogyo Kabushiki Kaisha, Japan is the sole assignee of the entire right, title and interest in the Letters Patent as identified above by virtue of an assignment from the inventors of their entire interest in said patent. The assignment was recorded on June 6 1995 in the United States Patent and Trademark Office at Reel 7513 and Frame 0690.

The assignee hereby authorizes and assents to the filing of the accompanying reissue application of the above identified U.S. Patent No. 5,679,313.

The undersigned (whose title is identified below) is empowered to act on behalf of the assignee.

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: November 1, 2001


Shigemitsu TANAKA

20510-5225001